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BRIARCLIFF MANOR, NY 10510				
EXAMINER				
KIM, EDWARD J				
ART UNIT		PAPER NUMBER		
2455				
NOTIFICATION DATE		DELIVERY MODE		
01/12/2012		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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**Office Action Summary****Application No.**

10/578,378

**Applicant(s)**

KELLY ET AL.

**Examiner**

EDWARD KIM

**Art Unit**

2455

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 March 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on \_\_\_\_; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 5) ☒ Claim(s) 1,2,6-8 and 11-17 is/are pending in the application.
- 5a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 6) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 7) ☒ Claim(s) 1,2,6-8 and 11-17 is/are rejected.
- 8) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 9) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-SB-08)  
Paper No(s)/Mail Date 01/13/2010, 03/04/2010
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_

**DETAILED ACTION**

1. This Office Action is in response to the Request for Continued Examination (RCE) filed on 03/04/2010.
2. Claims 1, 2, 6-8, and 11-17 are pending in this office action. Claims 3-5, and 9-10 have been cancelled by the Applicant. Claims 1, 2, 6, 7, 11-14, 16, and 17 have been amended.

***Continued Examination Under 37 CFR 1.114***

3. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 03/04/2010 has been entered.

***Response to Amendment***

4. The Examiner withdraws previous claims objections and 35 U.S.C. 112 rejections in view of the amended claims filed on 02/08/2010, which are being examined.

***Response to Arguments***

5. Applicant's arguments filed with the Claims on 02/08/2010 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1, 2, 6-8, 11, and 13-17 rejected under 35 U.S.C. 102(b) as being anticipated by Chung et al. (EP 1267352 A2), hereinafter referred to as Chung.

Regarding claim 1, Chung discloses an optical disc player for playing essential and non-essential content included on an optical disk and information retrieved from one or more servers located on a network, the essential content is played during a normal playing status and the non-essential content is played during an abnormal playing status, the optical disc player (Chung, Abstract) comprising:

a detecting module for detecting whether a current status of the player is an abnormal playing status and sending a search command in response to detecting the abnormal playing status; a searching module for searching a list stored on the optical disc in response to the search command to identify the one or more servers having the information (Chung, [0058], [0061]-[0064], [0077], claim 17, claim 21: discloses wherein in interactive mode, the system searches and identifies servers that have the content to be preloaded);

which is required for playing the essential content after the current status is no longer the abnormal playing status, but which has not yet been downloaded; and a network management apparatus for accessing the one or more servers identified by the search module and downloading the information that is required for playing the essential content while the current status of the

player is the abnormal playing status, in advance of the normal playing status when the information is required, such that playing of the essential content is not interrupted during the normal playing status (Chung, [0085]-[0086], claims 15-21, [0058]: discloses the effect of such system, wherein the preloading allows seamless buffering of main AV data even when the user requests additional content to be played instead of the main AV data that was being played, the same effect of the invention as described in disclosure.).

Regarding claim 2, Chung discloses the optical disc player according to claim 1, further comprising- a storage for storing the downloaded information (Chung, [0085]-[0086], claims 15-21, [0058]: discloses content is preloaded/downloaded and stored in storage.).

Regarding claim 6, Chung discloses a method of playing essential and non-essential content included on an optical disc and information retrieved from one or more servers located on a network, the playing having at least normal and abnormal playing statuses, during the normal playing status the essential content is played and during the abnormal playing status the non-essential content is played, the method (Chung, Abstract), comprising acts of:

detecting whether area a current playing status is the abnormal-playing status; and if the current playing status is abnormal searching a list stored on optical disc to identify the one or more servers having the information (Chung, [0058], [0061]-[0064], [0077], claim 17, claim 21: discloses wherein in interactive mode, the system searches and identifies servers that have the content to be preloaded)

required for playing the essential content which has not yet been downloaded, and

accessing the one or more servers identified by the searching act, and downloading the information which is required for playing the essential content after the current status is no longer the abnormal playing status in advance of the normal playing status when the information is required such that playing of the essential content is not interrupted during the normal playing status (Chung, [0085]-[0086], claims 15-21, [0058]: discloses the effect of such system, wherein the preloading allows seamless buffering of main AV data even when the user requests additional content to be played instead of the main AV data that was being played, the same effect of the invention as described in disclosure.).

Regarding claim 7, Chung discloses the method according to claim 6, wherein the act of searching includes searching the one or more servers having the information which is not yet downloaded after the abnormal playing status is detected (Chung, [0085]-[0086], claims 15-21, [0058]: discloses the effect of such system searching and preloading content that has not yet been downloaded, so that the content is readily available.).

Regarding claim 8, Chung discloses the method according to claim 6, further comprising an act of storing the downloaded information for subsequent access and use (Chung, [0085]-[0086], claims 15-21, [0058]: discloses the effect of such system searching and preloading content that has not yet been downloaded, so that the content is readily available when needed.).

Regarding claim 11, Chung discloses the optical disc player according to claim 1, wherein the searching module is configured to search after the abnormal playing status is detected (Chung,

[0058], [0061]-[0064], [0077], claim 17, claim 21: discloses wherein in interactive mode, the system searches and identifies servers that have the content to be preloaded).

Regarding claim 13, Chung discloses the optical disc player according to claim 1, however, fails to explicitly disclose wherein the abnormal playing status includes director annotation information (Chung, [0003], [0085]-[0086], claims 15-21, [0058]: discloses the effect of such system, wherein the preloading allows seamless buffering of main AV data even when the user requests additional content to be played instead of the main AV data that was being played. These additional content comprises of various additional content related to the main content to be played.).

Regarding claim 14, Chung discloses the optical disc player according to claim 1, wherein the abnormal playing status includes copyright information (Chung, [0003], [0085]-[0086], claims 15-21, [0058]: discloses the effect of such system, wherein the preloading allows seamless buffering of main AV data even when the user requests additional content to be played instead of the main AV data that was being played. These additional content comprises of various additional content related to the main content to be played.).

Regarding claim 15, Chung discloses the method according to claim 6, wherein the abnormal playing status includes a pause status of the player (Chung, [0003], [0085]-[0086], claims 15-21, [0058]: discloses the effect of such system, wherein the preloading allows seamless buffering of main AV data even when the user requests additional content to be played instead of the main

AV data that was being played. These additional content comprises of various additional content related to the main content to be played.).

Regarding claim 16, Chung discloses the method according to claim 6, wherein the abnormal playing status includes director annotation information (Chung, [0003], [0085]-[0086], claims 15-21, [0058]; discloses the effect of such system, wherein the preloading allows seamless buffering of main AV data even when the user requests additional content to be played instead of the main AV data that was being played. These additional content comprises of various additional content related to the main content to be played.).

Regarding claim 17, Chung discloses the method according to claim 6, wherein the abnormal playing status includes copyright information (Chung, [0003], [0085]-[0086], claims 15-21, [0058]; discloses the effect of such system, wherein the preloading allows seamless buffering of main AV data even when the user requests additional content to be played instead of the main AV data that was being played. These additional content comprises of various additional content related to the main content to be played.).

### ***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.



9. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chung et al. (EP 1267352 A2), hereinafter referred to as Chung, in view of Sato et al. (US Publication #2003/0185156 A1), hereinafter referred to as Sato.

Regarding claim 12, Chung discloses the optical disc player according to claim 1, however, fails to explicitly disclose, wherein the abnormal playing status includes a pause status of the player. Sato discloses wherein the abnormal playing status includes a pause status of the player (Sato, [0065]; discloses streaming systems wherein content keeps buffering during the pause condition). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Chung with those of Sato to include pause status as abnormal status. One would have been motivated to do so to keep receiving content to be buffered or stored even while the system is in a pause condition.

### ***Conclusion***

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to EDWARD KIM whose telephone number is (571)270-3228. The examiner can normally be reached on Monday - Friday 7:30am - 5:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3862. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Edward J Kim/  
Examiner, Art Unit 2455

/EMMANUEL L. MOISE/  
Supervisory Patent Examiner, Art Unit 2455